

AMENDED IN ASSEMBLY APRIL 10, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2158**

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**Introduced by Assembly Member Soto**

February 20, 2008

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An act to add Section 22878.3 to the Government Code, relating to state employees' health benefits.

LEGISLATIVE COUNSEL'S DIGEST

AB 2158, as amended, Soto. State employees' health benefits: blood-borne or airborne diseases.

Existing law establishes the contribution rate for the state and for state employees and annuitants for the purpose of providing health benefits to state employees and annuitants.

This bill would provide that if a state employee or an annuitant who retired from state employment and sustained an injury as the result of a work-related event that arose out of and in the course of his or her official duties as a state employee, ~~that occurred on or after January 1, 1984,~~ and that meets a specified definition of a blood-borne or airborne infectious disease, and a dependent or former dependent of that person contracts the blood-borne disease from that person, the dependent or former dependent may receive health care benefits sufficient to cover all medically necessary health care costs associated with the disease, for the duration of the disease. The bill would require the state to contribute the cost of providing that benefit coverage from the General Fund, upon appropriation by the Legislature. The bill would also provide that a person who elects to receive these benefits would be prohibited from bringing a civil action against the state for damages related to contracting the disease.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 22878.3 is added to the Government  
2 Code, to read:

3 22878.3. (a) If a state employee or an annuitant who retired  
4 from state employment and sustained an injury as the result of a  
5 work-related event that arose out of and in the course of his or her  
6 official duties as a state employee, ~~that occurred on or after January~~  
7 ~~1, 1984~~, and that meets the definition of a blood-borne or airborne  
8 infectious disease contained in Section 3212.8 of the Labor Code,  
9 and a dependent or former dependent of that person contracts the  
10 blood-borne infectious disease from that employee or annuitant,  
11 the dependent or former dependent may elect to receive health  
12 care benefits sufficient to cover all medically necessary health care  
13 costs associated with the disease, for the duration of the disease.  
14 The state shall contribute the cost of providing that benefit coverage  
15 from the General Fund, upon appropriation by the Legislature.

16 (b) If the dependent or former dependent elects to receive  
17 benefits pursuant to this section, his or her election shall constitute  
18 the sole and exclusive remedy of the dependent or former  
19 dependent against the employer of the employee or former  
20 employer of the annuitant and the dependent or former dependent  
21 may not bring a civil action against the state.

22 (c) For purposes of this section, “former dependent” means a  
23 person who was diagnosed with a blood-borne or airborne  
24 infectious disease ~~on or after January 1, 1984~~, which was contracted  
25 from a person covered under Section 3212.8 of the Labor Code  
26 while a dependent of that person, but the dependency relationship  
27 has terminated.

28 (d) It is the intent of the Legislature that this section apply  
29 retroactively.